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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,798	01/09/2006	Mituo Nakamura	2005-2058A	3772
513 7590 10/05/2009 WENDEROTH, LIND & PONACK, L.L.P. 1030 15th Street, N.W., Suite 400 East Washington, DC 20005-1503				
EXAMINER				
CAJILIG, CHRISTINE T				
ART UNIT		PAPER NUMBER		
3633				
MAIL DATE		DELIVERY MODE		
10/05/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/563,798

## Applicant(s)

NAKAMURA, MITUO

## Examiner

CHRISTINE T. CAJILIG

## Art Unit

3633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 6/11/09.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 11-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 June 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11- 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakanishi (U.S. Patent No. 3,209,510).

Regarding claim 11, Nakanishi discloses a block of a plurality of blocks *for constructing a flat structure by arranging the plurality of blocks in a flat state, each block, including said block, of the plurality of blocks having outer upper and lower peripheral surfaces thereof brought into contact with each other*, said block of the plurality of blocks comprising a plurality of through holes (17) *for having linear or bar-like first stretching members inserted therein*; recessed portions (13, 63) formed on said outer upper and lower peripheral surfaces of said block, the recessed parts crossing an axial direction of said plurality of said through holes and for having, in a direction three-dimensionally crossing the axial direction of said plurality through holes second stretching members disposed therein; and a cavity (15) extending throughout said block and having an opening at said upper and lower peripheral surfaces of said block, such that said cavity crosses said recessed portions.

Regarding claim 12, Nakanishi further discloses that said plurality of through holes (17) are provided in parallel with each other having intervals therebetween in a

through-thickness direction of a body of said block for construction or in a direction perpendicular to the through-thickness direction of said body.

Regarding claim 13, Nakanishi further discloses a plurality of said cavities (15), said cavities extending throughout said block, each of said cavities having an opening at more than one location on said outer and upper lower peripheral surfaces of said block.

Regarding claims 14, 22, and 23, Nakanishi further discloses a panel (Col 3, Ln 39-41) comprising a plurality of blocks as claimed in claims 11, 12, or 13 (see rejections above) in a flat state such that outer peripheral surfaces thereof are brought into contact with each other, and such that said plurality of through holes (17) of each of said plurality of blocks are in communication with said plurality of through holes of another of said plurality of blocks; first stretching members (25) inserted into the plurality of through holes of said plurality of blocks; second stretching members (23) disposed on said recessed portions of said plurality of blocks, wherein said plurality of blocks are bonded with pressure by generating a tensile forces on said first and second stretching members

Regarding claim 15, Nakanishi further discloses a gap filling agent (Col 3, Ln 22) *for dispersing a reaction force* is disposed between said blocks of said plurality of blocks which are adjacent to each other.

Regarding claims 16, 17, and 24, Nakanishi further discloses reaction force, block body members (washers and nuts – Col 3, Ln 28-30) for generating tensile force on said stretching member are attached to and adjacent one of said outer peripheral

portions of said blocks for construction, the outer peripheral surfaces being located on peripheral portions of said panel.

Regarding claims 18 and 19, Nakanishi further discloses that said gap filling agent is a curable cement paste or a material deformable by the pressure generated by the tensile force (Col 3, Ln 22).

Regarding claims 20, 25, and 26, Nakanishi in column 3, lines 15-41 discloses a method of forming a panel for structure comprising steps of arranging said plurality of blocks for construction claimed in claims 11, 12, or 13 (see rejections above) in a flat state, such that each block of said plurality of blocks is adjacent to another block of said plurality of blocks, such that a gap filling agent for dispersing stress is disposed between outer peripheral surfaces of said blocks of said plurality of blocks, and such that said plurality of through holes (17) are in communication with said plurality of through holes of another block of said plurality of blocks, inserting said first stretching members (25) into said plurality of the through holes while disposing said second stretching members (23) on said recessed portions of said plurality of blocks, and loading tensile force on said first and second stretching members to bond said blocks of said plurality of blocks together with pressure.

Regarding claim 21, Nakanishi further discloses a plurality of said cavities (15), said plurality of said cavities extending throughout said block, each of said cavities having an opening at more than one location on said outer upper and lower peripheral surfaces.

### ***Response to Arguments***

Applicant's arguments filed 6/11/09 have been fully considered but they are not persuasive.

The applicant argues that Nakanishi does not disclose that cavities cross recess portions . To anticipate a claim, the reference must teach every element of the claim (see MPEP 2131 [R-1]). In the instant case, Nakanishi discloses a plurality of cavities (15, and 19). In particular, cavities (15) do cross the recessed portions (13, 63) as shown in Figures 1, 2, and 4.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that the cavity communicates with the recessed portion or that the cavity and the recessed portion do not prohibit communication between cavities from other blocks arranged in the same row.) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTINE T. CAJILIG whose telephone number is (571) 272-8143. The examiner can normally be reached on Monday-Thursday, 9 am - 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Canfield can be reached on (571) 272-6840. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. T. C./

Examiner, Art Unit 3633

/Robert J Canfield/

Supervisory Patent Examiner, Art Unit 3635